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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,581	08/17/2001	Mamoru Takikita	Q65636	7222

7590 02/24/2005  
SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER

HASHEM, LISA

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/931,581	<b>Applicant(s)</b> TAKIKITA, MAMORU	
	<b>Examiner</b> Lisa Hashem	<b>Art Unit</b> 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Claim Objections*

1. Claims 1 and 2 are objected to because of the following informalities:

'radiocommunication' should be spelled 'radio-communication'. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 5,805,082 by Hassett.

Regarding claim 1, Hassett discloses a narrow band communication vehicle-mounted apparatus or in-vehicle component (IVC) (see Abstract; Fig. 2, 16) inherently comprising (col. 12, lines 34-46): a radio-communication portion for sending and receiving with an on-road device (Fig. 2, 18) via an antenna (Fig. 14A, 73), a field intensity measuring portion for detecting a radio field intensity (Fig. 14A, 76), a control microcomputer for inherently controlling various equipment (Fig. 14A, 70), and a nonvolatile memory (Fig. 14A, 88) (col. 8, lines 24-53), wherein said control microcomputer inherently stores in said nonvolatile memory randomly generated communication registration identification data (new T1 signal) when communication is opened or when said apparatus starts up (when receiving this new T1 signal) (col. 8, lines 35-48; col. 15, lines 7-22), and communication is performed using communication registration identification

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data stored in said nonvolatile memory in a case where said radio field intensity is in a communication range when said apparatus starts up (when vehicle decides to exit an upcoming ramp and the apparatus receives a T1 signal data) (col. 14, lines 19-56; col. 14, line 65 - col. 15, line 3).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 2 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Japanese

Patent Publication No. 2000-238797 by Yoshida (English Translation is provided).

Regarding claim 2, Yoshida discloses a narrow band communication vehicle-mounted apparatus or mounted vessel (see Abstract; Fig. 1, 2; section 0002, line 1 – section 0003, line 6) inherently comprising: a radio-communication portion for sending and receiving with an on-road device or road-side equipment (Fig. 1, 1) via an antenna (antenna on car as shown in Fig. 1, 3), a frequency control portion for setting send and receive frequencies (wherein a frequency control portion is suggested for setting send and receive frequencies F1-F6; section 0021, line 1 – section 0022, line 8), a control microcomputer for controlling various equipment and a nonvolatile memory (wherein a processor is suggested when the on-vehicle equipment searches a reception frequency and demodulates a transmission signal from the roadside equipment; section 0023, lines 1-6), wherein said control microcomputer saves in said nonvolatile memory a radio

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frequency (F1) at which communication was performed (see Fig. 2; the radio frequencies are inherently stored in a memory and assigned services at which communication was performed, e.g. the electronic toll collection (ETC) service communicates at F1 or F2; section 0021, line 1 – section 0022, line 8), and communication is performed selecting said radio frequency saved in said nonvolatile memory as a first candidate (F1) when said apparatus starts up or enters the service zone to receive a service (section 0019, line 1 - section 0020, line 5).

### ***Response to Arguments***

6. Applicant's arguments, see Amendment, filed October 8, 2004, with respect to the rejection(s) of claim(s) 1 and 2 under Dwyer have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made of claim 1 under Hassett and claim 2 under Yoshida. Please see the rejections above.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Japanese Patent Publication No. 2001-022978 by Inaba (English translation is provided) discloses when an on-road device is present, a vehicle-mounted apparatus starts up and retransmits a retransmission request signal to a toll charging system

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8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to:**

(703) 872-9314 (for formal communications intended for entry)

**Or call:**

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to: Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

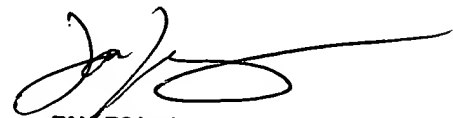
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (703) 305-4302. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

LH

lh

February 15, 2005



FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600